IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 2344 of 2001

Between:

N.Atchireddy, S/o Late Surayya,
Residing at Pithapuram, East Godavari District.

..... PETITIONER

AND

1 The Chairman & Presiding Officer, Industrial Tribunal Cum Labour Court, Visakhapatnam.
2 The Managing Director, A.P.Cooprative Central Agricultural Development Bank, A.P.State Cooperative Building, Troop Bazaar, Hyderabad. (At Present Know as A.P.Cooperative Bank)
3 The General Manager, Cooperative Central Bank Ltd., Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or a Writ one in the nature of Mandamus and Quash the order dt:- 14.11.1990 in M.P.No 45 of 1988 and Order dt:- 5.4.1995 in I.A.No.15 of 1991 in M.P.No.45 of 1988 and consequently direct the respondents 2 and 3 to pay the Gratuity under Group Gratuity and LIC Scheme along with interest at 18% p.a. including costs of this Writ Petition.

Counsel for the Petitioner: A. Srinivasa Sarma

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Smt. J. Rajya Laxmi

Counsel for the Respondent No.3: M.S. Ramachandra Rao

The Court made the following :

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ORDER:

Heard both sides.

Petitioner, who claims to be the employee with the respondents 2 and 3 herein, files this Writ Petition, inter alia, seeking to assail the orders in M.P.No. 45 of 1988 dated 14.11.1990, and also the latter orders dated 5.4.1995 in I.A.No. 15 of 1991 in M.P.No. 45 of 1988 on the file of first respondent herein.

The main claim as sought for before the first respondent in the initial application filed in M.P.No. 45/1988, under Section 33-C (2) of the Industrial Disputes Act, is for payment of gratuity, to which he is entitled to and on contest, the said application was dismissed as per orders dated 14.11.1990, by the first respondent herein holding that the petitioner is not entitled to the same. However, at latter stage, he filed an application seeking review thereof, in I.A.No. 15/1991 but, the same was dismissed on 5.4.1995 on the ground that there is no para whatsoever, to review as such.

However, the present Writ Petition has been filed on 12.2.2001 i.e., almost more than five years, after the dismissal of the review application and also ten years after the disposal of the main application. In the affidavit filed in support of the Writ Petition, there is absolutely no explanation forthcoming for such long delay from both

sides. Even from a reading of the orders, it is seen that it does not call for any interference and even on merits the same is supported by the reasons. Further, since the petitioner has approached this court with a long delay and latches, no indulgence need be shown nor this court can exercise extraordinary jurisdiction under Article 226 of the Constitution of India. Hence, it is too late in the day to seek any such interference.

In view of the same, the Writ Petition lacks any merits and the same is accordingly, dismissed. No costs.

B. PRAKASH RAO, J

DATED: 17.02.2005

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To

1 The Chairman & Presiding Officer, Industrial Tribunal Cum Labour Court, Visakhapatnam.
2 The Managing Director, A.P.Cooprative Central Agricultural Development Bank, A.P.State Cooperative Building, Troop Bazaar, Hyderabad. (At Present Know as A.P.Cooperative Bank)
3 The General Manager, Cooperative Central Bank Ltd., Visakhapatnam, Visakhapatnam District.

4. 2 CCs to G.P. Labur, High Court of A.P., Hyderabad (OUT)

5. 2 CD copies.